

## **IN THE CLAIMS**

*This listing of claims will replace all prior versions and listings of claims in the application.*

### **Listing of Claims:**

1. (Original) A nonaqueous electrolyte secondary battery comprising:  
a positive electrode having an active material of a complex oxide capable of storing and emitting lithium ions;  
a negative electrode capable of storing and emitting lithium ions;  
a separator disposed between the positive electrode and the negative electrode; and  
an electrolytic solution containing a nonaqueous solvent,  
wherein a discharge curve of the nonaqueous electrolyte secondary battery when being discharged with a constant power has two or more points of step-like flexion near the end of electrical discharge in a range of 5% to 20% of a discharge capacity thereof as determined from an initial discharge voltage in a state of full charge to a discharge-end voltage.
  
2. (Original) A nonaqueous electrolyte secondary battery comprising:  
a positive electrode having an active material of a complex oxide capable of storing and emitting lithium ions;  
a negative electrode capable of storing and emitting lithium ions;  
a separator disposed between the positive electrode and the negative electrode; and  
an electrolytic solution containing a nonaqueous solvent,  
wherein the positive electrode contains a positive electrode active material comprising a first active material of lithium-based complex oxide and a second active material of another

lithium-based complex oxide having an average discharge voltage lower than an average discharge voltage of the first active material, and

an added amount of the second active material is at least 5% and at most 20% in capacity of a total amount of capacity of the positive electrode active material.

3. (Original) The nonaqueous electrolyte secondary battery according to claim 2, wherein the first active material is a composite "A" expressed as  $\text{Li}_x\text{MO}_2$ , "M" denoting a 3d transition metal, x being given as  $0.9 \leq x \leq 0.98$ , and the second active material is  $\text{LiMnO}_2$ .

4. (Currently Amended) The nonaqueous electrolyte secondary battery according to claim 3, wherein the composite "A" contains at least one of materials expressed as  $\text{Li}_x\text{Ni}_y\text{Mn}_z\text{Co}_{1-y-z}\text{O}_2$ , x, y, and z being given as  $0.9 \leq x \leq 0.98$ ,  $0.3 \leq y \leq 0.4$ , and  $0.3 \leq z \leq 0.4$ , and  $\text{Li}_x\text{Ni}_y\text{Al}_z\text{Co}_{1-y-z}\text{O}_2$ ,  $\text{Li}_x\text{Ni}_y\text{Co}_z\text{Al}_{1-y-z}\text{O}_2$ , x, y, and z being given as  $0.9 \leq x \leq 0.98$ ,  $\underline{0.55 \leq y \leq 0.8}$ , and  $\underline{0.15 \leq z \leq 0.3}$ .